

# KANAWHA COUNTY BOARD OF EDUCATION POLICY

## Conflict of Interest

Series: G22

Reference: W.Va. Constitution, Article 12, Section 9; W.Va. Code §§6B-1-1 et seq., 18-2A-9, 61-10-15

Issued: 06.16.1988

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### **22.01 Definitions.**

- 22.01.1** “Business” means any entity operated for economic gain, whether professional, industrial or commercial, and whether established to produce or deal with a product or service, including but not limited to entities operated in the form of corporations, firms, association, partnerships, or sole proprietorships, and entities which for purposes of taxation are treated as nonprofit organizations.
- 22.01.2** “Direct or indirect interest” means any pecuniary interest in the proceeds of any contract with any business. Such direct or indirect interest shall be deemed to exist where an employee, his spouse, or his unemancipated child or children owns either in his own name or cumulatively in their own names or beneficially at least ten percent of a business or \$30,000, whichever is lesser. Such direct or indirect interest shall also be deemed to exist where an employee, his spouse, or his unemancipated child or children, receives a salary, fee or other form of compensation from a business within a period of one year prior or subsequent to the term of any contract.
- 22.01.3** “Contract” means any agreement or arrangement by and between Kanawha County Schools (including individual schools) and a business for the sale of products or services.
- 22.01.4** “Employee” means a person who obtains or is entitled to compensation for any services to Kanawha County Schools. The term includes full-time and part-time service on a long-term or short-term basis.
- 22.01.5** “Officer” means an elected member of the board of Education of the County of Kanawha, or the Superintendent of Kanawha County Schools.
- 22.01.6** “Supplemental service contract” means an agreement between Kanawha County Schools and an employee for the provision of services by such employee which are over and above the regular responsibilities and duties of such employee and which are provided at the request and approval of the Superintendent of Kanawha County Schools.

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### **22.02 Conflict of Interest; Prohibition.**

**22.02.1** No officer or employee shall use his or her public office or public employment or the prestige of his or her public office or public employment for private advancement or gain or for the advancement or gain of another person.

**22.02.2** No officer or employee shall represent or otherwise assist any person or business for a fee or other compensation to secure passage of a policy or to obtain a contract, or payment of a claim, or in any other transaction or proposals relating to Kanawha County Schools.

**22.03 Contract; Prohibition.** No officer or employee shall receive a direct or indirect interest in the proceeds of any contract or service, or in furnishing any supplies in the contract for, or the awarding or letting of, which such officer or employee may have voice, influence or control. Provided, however, that, nothing herein shall be construed to prevent the employment of the spouse of an officer or employee. Nor shall this provision be construed to prevent employees from entering Supplemental Service Contracts.

**22.04 Waiting Period.** No officer or employee, above the Director level, shall receive a direct or indirect interest in the proceeds of any contract with Kanawha County Schools for a period of one-year following termination of employment or office. Except that this section shall not prohibit the Superintendent from recommending to the Board that an employee who has retired or resigned be retained on contractual basis, or that an entity which employs such employee be retained on a contractual basis, to provide services deemed necessary for the efficient operation of the school system. The Board may approve such recommendations and thereby waive the one-year waiting period. Provided, however, that no retirant shall be employed in a substitute or temporary capacity for more than 100 days under a 10-month contract or for more than 120 days under a 12-month contract.

**22.05 Avoidance of Conflict of Interest.** No officer or employee shall acquire any financial interest, including but not limited to, interest in a business, real property, or in a contractual relationship, when he believes

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or has reason to believe that it will be directly and immediately affected by his official action, voice or influence.

**22.06 Disclosure of Information.** No officer or employee shall disclose or use confidential information not available to members of the general public for his personal gain or benefit or for the personal gain of any other person or business if he has obtained such information through his official position.

**22.07 Gifts.** No official or employee may solicit any gift. No official or employee may accept any gift, directly or indirectly, from any persons whom the official or employee knows or has reason to know has an interest in any Kanawha County Schools matter which may require such official or employee to exercise impartial or independent judgment. This section shall have no application to gift items with a value of \$5.00 or less or gifts from relatives by blood or marriage or a member of the same household.

**22.08 Financial Disclosure Statement.** All Board Members and the Superintendent shall comply with the financial disclosure statement requirements of West Virginia Code 6B-2-1 et seq.

**22.09 Specious Schemes or Business Arrangements.** The use of intermediary parties or other schemes in avoidance of the requirements of this policy is prohibited.

### **22.10 Penalties.**

**22.10.1 Officers** – Any officer who shall violate any provision of this policy shall be guilty of official misconduct and shall be subject to removal from office under pertinent statutory provisions.

**22.10.2 Employees** – Any employee who shall violate any provision of this policy shall be guilty of willful neglect of duty and subject to appropriate disciplinary measures.

**22.10.3 Additional penalties** – Nothing in this policy shall be construed to limit any additional civil or criminal penalties imposed by law for conduct that may amount to a violation of this policy.